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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,834	03/12/2001	Martin Ryzl	16159.011001; P5534	9978
32615	7590	05/04/2005	EXAMINER	
OSHA LIANG L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			KENDALL, CHUCK O	
			ART UNIT	PAPER NUMBER
			2192	
DATE MAILED: 05/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,834

Applicant(s)

RYZL, MARTIN

Examiner

Chuck Kendall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the application filed 11/23/2004.
2. Claims 1, 4 – 10, 12 – 16 have been examined.

### ***Drawings***

The drawings were received on 12/27/2004. These drawings are Acknowledged.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Granade et al. US 2002/0103881 A1.

Regarding claim 1, Granade anticipates a method of facilitating development of an application for a wireless-connected device (see application's builder [0047]), comprising:

combining, in a module, a plurality of development tools used in the creation of the application (0047 – 0050, see application builder, dialog builder also see integration builder)

integrating the module with an emulator of the wireless-connected device (0028, for back end system emulator which is part of the integrated mobile application platform);

integrating the module into an Integrated Development Environment (FIG. 4, see 110 for IDE, see mobile tools suite); and

using the emulator to execute the application developed using the module within the Integrated Development Environment (0028, for simulating interaction of mobile application).

Regarding claim 8, which also discloses a method and similar limitations as in claim 1, see rationale as previously discussed above.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 – 7, 9, 10, 12, & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granade et al. US 2002/0103881 A1 as applied in claims 1 & 8, in view of Bales et al. USPN 5,666,399 (hereinafter "Bales").

Regarding claim 4, Granade discloses all the claimed limitations as applied in claim 1. Granade doesn't explicitly disclose using a plurality of emulators for a plurality of different wireless-connected devices, although Granade does disclose the use of an emulator for a mobile application platform. However, Bales does disclose in an analogous art the use of a emulator for each type of wireless terminal (Col.2: 1 – 15, see "unique terminal emulator application for each type of wireless terminal").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Granade and Bales, because using a plurality of emulators would enable configuring or mapping information to more than one mobile device.

Regarding claim 5, Granade discloses all the claimed limitations as applied in claim 1. Granade doesn't explicitly disclose wherein use of the emulator is concurrent with the application created using the module. However, Bales does disclose in analogous art that each device corresponds to a unique terminal emulator application (Col.2: 1 – 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Granade and Bales, because using emulator concurrently with the application would make mapping devices more efficient.

Regarding claim 6, Granade discloses all the claimed limitations as applied in claim 1. Granade doesn't explicitly disclose wherein integrating the module comprises creating and packaging the application with a plurality of profiles without modification of the module. However, Bales does disclose this feature in analogous art (Bales, Col.15: 25 – 33, for packaging and profiles see, transport layer, session software layer, stored in management information base and TEA, terminal emulating application). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Granade and Bales, because storing profiles during packaging or storing enables reusability.

Regarding claim 7, Granade discloses all the claimed limitations as applied in claim 1 as well as using the emulator to execute the application developed using the module (see, section 0028). Granade doesn't explicitly disclose using an additional emulator for a different wireless-connected device to execute the application. However, Bales does disclose this feature in analogous art (Col.2: 1 – 15, see "unique terminal emulator application for each type of wireless terminal"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Granade and Bales, because using additional emulators for a plurality of wireless connected devices, would enable each individual device to be configured more efficiently.

Regarding claim 9, as applied in claim 8 above, which also discloses a method and similar limitations as in claim 4, see rationale as previously discussed above.

Regarding claim 10, as applied in claim 8 above, which also discloses a method and similar limitations as in claim 5, see rationale as previously discussed above.

Regarding claim 12, Granade discloses a method of installing a module used for the development of an application for a wireless-connected device executed on an emulator, comprising:

- installing an Integrated Development Environment (Granade, [0080], see load);
- integrating the module into the Integrated Development Environment (see section [0050]), installing a parser database (0027, see backend system) and starting the Integrated Development Environment (see, section [0010]).

Granade doesn't explicitly disclose installing an emulator configuration file and installing a plurality of original equipment manufacturer files and templates. However, Bales does disclose installing an emulator configuration file (Bales, Col.2: 31 – 38, see new terminal emulator application), and installing a plurality of original equipment manufacturer files and templates (Bales, Col.2: 31 – 38, see new terminal management application). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Granade and Bales, because installing and configuring emulators for a plurality of wireless connected devices, would enable each individual device to be configured more efficiently.

Regarding claim 13, Granade discloses all the claimed limitations as applied in claim 12. Granade doesn't explicitly disclose an Emulator Environment and an Emulator Configuration. However, Bales does disclose this feature in analogous art (Bales, Col.3: 29 – 37, see TEA, terminal emulator application, which examiner interprets to encompass the environment and the configuration, since all applications are configured to operate depending on its set configuration). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Granade and Bales, because being able to configure the emulator dependently to its corresponding device would make configuring the device more efficient.

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7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granade et al. US 2002/0103881 A1 as applied in claims 1 & 8, in view of Putzolu et al. USPN 6,681,243 B1.

Regarding claims 14 and 15, Granade discloses all the claimed limitations as applied in claim 1 and 8 above. Granade doesn't explicitly disclose wherein the emulator and the Integrated Development Environment execute on a single virtual machine, although he does mention that code could be implement in the Java language (see, section 0042, and note, the JVM is inherent in java applications). Putzolu in an analogous art disclose the use of a JVM providing a platform in a similar environment. Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine, Granade and Putzolu because, implementing the system using a virtual machine would make the system more dynamic.

8. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granade et al. US 2002/0103881 A1 as applied in claim 12, in view of in view of Bales et al. USPN 5,666,399 (hereinafter "Bales") and further in view of Putzolu et al. USPN 6,681,243 B1.

Regarding claim 16, Granade and Bales disclose all the claimed limitations as applied in claim 12 above. The combination of Granade and Bales doesn't explicitly disclose wherein the emulator and the Integrated Development Environment execute on a single virtual machine, although he does mention that code could be implement in the Java language (see, section 0042, and note, the JVM is inherent in java applications). Putzolu in an analogous art disclose the use of a JVM providing a platform in a similar environment. Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine, Granade and Bales with Putzolu because, implementing the system using a virtual machine would make the system more dynamic.

***Response to Arguments***

9.

Argument (1), Regarding Applicant's arguments, in response dated 11/23/04 on page 6, 1<sup>st</sup> paragraph, Applicant tries to disqualify Granade as prior art under 102(e), stating that Granade's most effective filling date is September 10, 2001 and hence does not qualify as prior art.

Response (1), It should be noted that Granade's effective date is not September 10, 2001 and however is September 11, 2000 as Granade claims priority from, previously filed provisional application 60/231845, and hence Granade does in fact qualify as prior art under 35 U.S.C. 102(e).

Argument (2), Regarding Applicant's argument on page 6, 2<sup>nd</sup> paragraph of 35 U.S.C. 103(a), in claims 4 -7,9,10,12, and 13 Applicant bases his argument on a previously argued incorrect notion that Granade does not qualify as proper prior art under 102(e), and hence Applicant's argument is moot.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



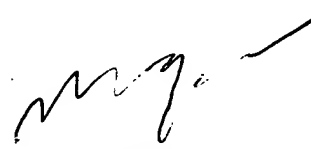
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 703-3086608. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 703-3054552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK.



WEI Y. ZHEN  
BY EXAMINER